

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YORKSHIRE TOWERS COMPANY, L.P. and  
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

THE FEDERAL TRANSIT ADMINISTRATION,  
THE METROPOLITAN TRANSPORTATION  
AUTHORITY and THE METROPOLITAN  
TRANSPORTATION AUTHORITY CAPITAL  
CONSTRUCTION COMPANY,

Defendants.  
-----X

YORKSHIRE TOWERS COMPANY, L.P. and  
YORKSHIRE TOWERS TENANTS ASSOCIATION,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF  
TRANSPORTATION, RAY LAHOOD, in his capacity as  
Secretary of the United States Department of  
Transportation, THE FEDERAL TRANSIT  
ADMINISTRATION, PETER M. ROGOFF, in his capacity  
as administrator of the Federal Transit Administration, THE  
METROPOLITAN TRANSPORTATION AUTHORITY,  
JAY H. WALDER, in his capacity as Chairman of the  
Metropolitan Transportation Authority, THE NEW YORK  
CITY TRANSIT AUTHORITY, THOMAS F.  
PRENDERGAST, JR., in his capacity as President of the  
New York City Transit Authority and THE  
METROPOLITAN TRANSPORTATION AUTHORITY  
CAPITAL CONSTRUCTION COMPANY, MICHAEL  
HORODNICEANU, in his capacity as President of the  
Metropolitan Transportation Authority Capital Construction  
Company,

Defendants.  
-----X

**Case No. 10-cv-8973 (TPG)**

**SECOND STIPULATION  
BETWEEN PLAINTIFFS AND  
DEFENDANT STATE PUBLIC  
AUTHORITIES AND  
SUBSIDIARY AND  
EXECUTIVES  
(COLLECTIVELY THE "MTA")  
AND FEDERAL DEFENDANTS  
EXTENDING TIME TO  
ANSWER IN RELATED CASE  
AND PLAINTIFFS' TIME TO  
OPPOSE MOTION TO DISMISS  
BY MTA IN FIRST CASE  
PENDING SETTLEMENT  
DISCUSSIONS**

**Case No. 11-cv-1058 (TPG)**

**RELATED CASE**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/26/11
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**RECITALS:**

A. Plaintiffs commenced the first above-captioned case against the Federal Transit Administration (the “FTA”) and the Metropolitan Transportation Authority (the “MTA”) and the Metropolitan Transportation Authority Capital Construction Company (the “MTACCC”) on November 30, 2010 (the “FOI Case”). The FOI Case sets forth two counts under the Freedom of Information Act and the New York Freedom of Information Law, in the alternative, to compel the release of specified records and materials. The same Plaintiffs subsequently commenced the second above-captioned environmental lawsuit on February 16, 2011 (the “Environmental Case”) seeking injunctive and related relief against the United States Department of Transportation (“USDOT”), Ray LaHood, in his capacity as Secretary of the USDOT, the FTA, and Peter M. Rogoff, in his capacity as administrator of the FTA (the “FTA Defendants”), and the MTA, Jay H. Walder, in his capacity as Chairman of the MTA, the New York City Transit Authority, Thomas F. Prendergast, Jr., in his capacity as President of the New York City Transit Authority, the MTACCC, and Michael Horodniceanu, in his capacity as President of the MTACCC (collectively, the “MTA Defendants”). The Environmental Case was accepted by the Court (Griesa, J.) as related on February 28, 2011.

B. The attorneys for the Plaintiffs and each of the Defendants in the FOI Case and the Environmental Case (collectively, the “Parties”) appeared for the first pretrial conference (the “PTC”) in the FOI Case on February 25, 2011. At the conclusion of the PTC, the Court directed the Parties to make good faith efforts to settle both cases. In this connection, the Plaintiff and the MTA Defendants entered into a stipulation regarding the

release of confidential information required to proceed with settlement discussions in accordance with Rule 26(c) of the Federal Rules of Civil Procedure (the “Confidentiality Stipulation”).

C. The Confidentiality Stipulation was so ordered and entered by the Court on March 23, 2011 (FOI Case, ECF No. 20).

D. After the production and review of records and information in excess of 10,000 pages under the Confidentiality Stipulation, the Parties in the FOI and Environmental Cases held their first settlement conference on April 11, 2011.

E. The Parties have reviewed and analyzed settlement proposals made at the first settlement conference and are scheduling a second settlement conference and continuing settlement discussions regarding review of additional technical information and documentation. This will take the Parties past the current time extensions for opposing the pending motion to dismiss in the FOI Case, and the time to answer in the Environmental Case.

**NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the attorneys for Plaintiffs, the MTA Defendants and the FTA Defendants as follows:

1. Each of the above Recitals are incorporated as if fully set forth here.
2. The MTA Defendants and the FTA Defendants’ time to answer, or to move against the Complaint in the Environmental Case is extended from May 25, 2011 to July 27, 2011, pending the outcome of settlement negotiations by the Parties.

3. The time for Plaintiffs to serve their opposing papers to the MTA's and MTACCC's motion to dismiss the FOI Action (First Case, ECF Nos. 17 and 18), is extended from May 25, 2011 to July 27, 2011, pending the outcome of settlement negotiations by the Parties. Defendants MTA's and MTACC's time to serve reply papers, if any, is extended to August 4, 2011.

4. The Parties may agree to further extensions of time set forth in ¶¶ 2 and 3 above as may be helpful or necessary to pursue continuing settlement negotiations, or to conclude settlement terms and conditions.

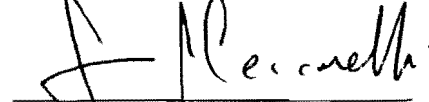
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5. This Stipulation may be signed, emailed or faxed in counterpart, and if so signed, emailed or faxed, shall be considered the equivalent of one fully signed agreement for all purposes.

Dated: May 20, 2011  
New York, New York

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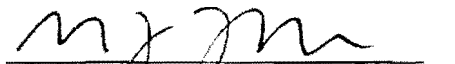
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Authority, The Metropolitan  
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Construction Company and Michael  
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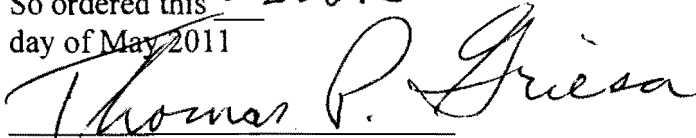
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Administration, and Peter M. Rogoff, in  
his capacity as administrator of the  
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So ordered this 25th  
day of May 2011



Hon. Thomas P. Griesa  
United States District Judge